

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 08 CR 401
)	Hon. James B. Zagel
UBEX LOPEZ)	

**GOVERNMENT'S NOTICE OF PRIOR CONVICTION AND INTENTION
TO SEEK ENHANCED STATUTORY PENALTIES**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby files this Information Stating Previous Conviction to Be Relied Upon in Seeking Increased Punishment pursuant to 21 U.S.C. § 851(a):

In the event the defendant is convicted of the offense under Title 21, United States Code, Section 846 charged in Count One of the Indictment in this case, the United States shall seek increased punishment pursuant to Title 21, United States Code, Section 841(b) based on one of the following convictions for a felony drug offense which became final prior to the commission of the offense charged in Count One of the Indictment:

That the defendant had the following prior convictions for felony drug offenses at the time of his commission of the offense charged in the pending indictment, in that:

(1) On or about February 16, 2005, the defendant was convicted of possession of cannabis, in the Circuit Court of Cook County, Illinois, in case number 03CR0338401. The defendant was sentenced to one year of imprisonment in the Illinois Department of

Corrections.

WHEREFORE, the government gives notice that defendant has at least one prior conviction for a felony drug offense, and thus the sentence upon his conviction for the offense under Title 21, United States Code, Section 846 charged in Count One of the Indictment in this case shall include a term of imprisonment of not less than 20 years and not more than life, a fine not to exceed \$8,000,000, and a term of supervised release of not less than 10 years up to and including any number of years, pursuant to Title 21, United States Code, Section 841(b)(1)(A)(ii).

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s/Stephen A. Kubiowski
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Certificate of Service

The undersigned Assistant U.S. Attorney hereby certifies that the afore-said document was served on August 26, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

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